

#### **IV. REMARKS**

##### **A. Office Action, paragraph 9**

In the Office Action, paragraph 9, objection has been made to certain changes to the specification. The Examiner contends that the changes add new material.

In response, the controversial language has been removed in the amendment to the specification.

##### **B. Office Action, paragraph 10**

Claims 9-13, 23, 32-35, and 45 have been rejected pursuant to 35 U.S.C. Sec. 112, second paragraph. As is more precisely set out in the Office Action, the Examiner contends that these claims refer to ERISA that is subject to change, which therefore renders these claims vague and indefinite.

The rejection is respectfully traversed. ERISA may change, but the scope of the claims will not change. Applicant's claims refer to ERISA law in effect on the application's filing date, as Applicant has explicitly and definitely pointed out previously. The PTO has not established that one having ordinary skill in the art would not understand what is claimed. See, for example, the enclosed Board of Appeals decision in Ex parte Hagquist et al., Appeal No. 2001-0389.

If the rejection is maintained, pursuant to 35 U.S.C. Sec. 132, Applicant respectfully requests information as to why one having ordinary skill in the art would not understand what is claimed and further requests a personal interview.

##### **C. Office Action, paragraphs 13-56**

All claims have been rejected pursuant to 35 U.S.C. Sec. 103. The Examiner contends that each of these claims is obvious over T. Rowe Price in view of Ford.

These claims have been amended, and it is believed that each rejection is rendered moot.

However, it is noted that T Rowe Price does not teach or suggest the claimed collateral including at least one security issued by a sponsor of the benefit plan as per claim 1. Furthermore, Ford does not teach or suggest the claimed non-tax qualified benefit plan or the claimed Regulation U loan requirement also as per claim 1. Attention is drawn to similar, but distinct, requirements in Applicant's other independent claims as a whole.

III. Conclusion

**APPLICANT CLAIMS SMALL ENTITY STATUS.** The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time is needed to reply to said office action, this shall be deemed a petition therefore. The Examiner is invited to contact the undersigned at the telephone number set out below if it can in any way expedite or facilitate issuance of a patent on the application.

The application is believed to be in condition for allowance, and favorable action is respectfully requested. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,



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